

09/772,606MS164006.01/MSFTP190US**REMARKS**

Claims 1-45 are currently pending in the subject application and are presently under consideration. Claims 1, 4, 7, 9, 16, 22, 42 and 44 have been amended herein to further emphasize novel aspects of applicants' claimed invention. A version of all pending claims is found at pages 2-9. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Claim Objections**

Claim 22 is objected to because of the following informality: "militating" needs to be changed to "mitigating". Withdrawal of this objection is requested in view of the amendment made herein to claim 22 to comport with the Examiner's recommendation.

**II. Rejection of Claims 1-8, 27, 28, 32, 36, 38, 39 and 42-45 Under 35 U.S.C.****§103(a)**

Claims 1-8, 27, 28, 32, 36, 38, 39 and 42-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Isreal *et al.* (US 6,330,007) in view of Simons *et al.* (US 5,917,549). This rejection should be withdrawn for at least the following reasons. Isreal *et al.* and Simons *et al.*, either individually and/or in combination, fail to teach or suggest each and every limitation set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

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Applicants' claimed invention relates to systems and methods that mitigate pixilation and/or disproportionate appearance of themed images when the images are sized and/or scaled. Independent claims 1, 4, 7, 42 and 44 recite similar limitations, namely: *sizing one or more disparate sections ... asymmetrically*. Neither the primary nor the secondary document, either alone or in combination, teach or suggest this novel aspect of the invention as claimed.

Isreal *et al.* provides a tool for designing a graphical user interface, and more particularly, a prototyping and specification tool for designing dynamic user interaction screens including user input areas, forms, pick lists, electronic receipts, and screen-labeled keys. The Examiner indicates that the substance of the subject claims can be found at col. 15, lines 10-25 of the cited document. Applicants' representative contends to the contrary. The noted passage provides a visible check box that allows designation of whether a selected column is visible within a grid; an alignment dropdown list that allows selection of an alignment setting for text to be displayed within a particular column; and a width text box that allows the exact numeric width of a selected column to be specified. In addition, the indicated passage provides an adjust button that adjusts the width of the next-to-last visible column so that the last visible column is right-aligned with the right edge of the grid; a column heading text box that allows entry of a heading for selected columns; a settings for row spin box that allows for the selection of a particular grid row for which properties are to be edited; and a valid check box that designates whether a selected row is enabled in the grid on a user's screen.

From the foregoing it would appear that the cited document discloses a facility to define a regular grid on a user's screen in a manner that allows attributes of selected rows and/or columns that comprise the regular grid to be set to particular values. The invention as claimed, on the other hand, provides a sizing module capable of *asymmetrically sizing one or more disparate sections* of a first component of a user interface element, and thereafter, appropriately aligning the first asymmetrically resized component element within a second component user interface element to form a completed user interface element. It is thus submitted that Israel *et al.* and invention as recited in the subject claims are clearly distinguishable on this ground alone and that this rejection should therefore be withdrawn.

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The Examiner further acknowledges that Isreal *et al.*, the primary document, fails to disclose mitigating pixilation and disproportionate appearance of a component, and thus offers Simons *et al.* to cure this deficiency. While applicants' representative recognizes that Simons *et al.* does provide for the mitigation of pixilation and disproportionate appearance of a component, the secondary document nevertheless fails to teach or suggest *sizing one or more disparate sections ... asymmetrically*. Instead, Simons *et al.* relates to an image composition system for composing a plurality of images having different pixel aspect ratios to reduce distortion of image content. However, nowhere within Simons *et al.* is the highlighted aspect of the subject claims taught or suggested.

With respect to independent claims 27, 32 and 38, that recite similar limitations, namely: *a sizing module that chooses a second component of the UI element from a library of second components*, the Examiner asserts that Isreal *et al.* discloses this novel aspect at col. 15, lines 10-25. Applicants' representative avers to the contrary. As stated *supra*, Isreal *et al.* at the noted passage provides a facility to define a regular grid on a user's screen in a manner that allows attributes of selected rows and/or columns that comprise the regular grid to be set to specific values. However, contrary to the Examiner's assertion, the indicated passage does not disclose choosing a second component of the UI element from *a library of second components*. In fact Isreal *et al.* is silent with regard to the utilization of a library of user interface components, let alone a library of second user interface components. It is thus submitted that Isreal *et al.* fails to teach or suggest this novel feature of applicants' claimed invention.

Additionally, the Examiner concedes that Isreal *et al.* does not provide for the *minimization of pixilation and discordant appearance* as recited in the subject claims, and thus offers Simon *et al.* to rectify this deficiency. However, as stated above, although it is recognized that Simon *et al.* does provide for the mitigation of pixilation and the discordant appearance of rendered composite images, the cited document nevertheless fails to make up for the aforementioned deficiencies with respect to the teachings of Isreal *et al.*.

In view of at least the foregoing, it is requested that this rejection be withdrawn with respect to independent claims 1, 4, 7, 27, 32, 38, 42 and 44 (and claims that depend

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there from).

### **III. Rejection of Claims 9, 16, 18 and 22 Under 35 U.S.C. §103(a)**

Claims 9, 16, 18 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins *et al.* (US 5,477,241) in view of Simons *et al.* (US 5,917,549). Withdrawal of this rejection is requested for at least the following reasons. Neither Higgins *et al.* nor Simons *et al.*, alone or in combination, teach or suggest all limitations set forth in the subject claims.

Independent claims 9, 16 and 22 recite a similar limitation: *the sizing module capable of rendering nonsymmetrical representations of at least one individual sector of the bitmapped component.* Higgins *et al.* and Simons *et al.* do not teach or suggest this exemplary aspect of applicants' claimed invention.

Higgins *et al.* provides a screen utility that permits a user to select the number of display pixels utilized to represent a designated unit length of printed output in a computer system's display screen. The Examiner asserts that Higgins *et al.* discloses the substance of the subject claims at col. 4, lines 15-35. The indicated passage provides an application based utility window interface that contains screen resolution icons, color depth icons, zoom icons, and DPI calibration icons. However, the cited document is silent with regard to providing a sizing module capable of rendering nonsymmetrical representations of at least one individual sector of a bitmapped component. Nowhere in Higgins *et al.* is such a facility disclosed, taught or suggested. Thus, it is submitted, that Higgins *et al.* and applicants' claimed invention are clearly distinguishable on this ground.

In addition, the Examiner acknowledges that Higgins *et al.* fails to disclose preventing pixilation and disproportionate appearance of the component, and thus offers Simons *et al.* to cure this shortcoming. However, as stated above, while applicants' representative does not disagree with the Examiner's characterization of Simons *et al.* as providing for the prevention of pixilation and the disproportionate appearance of a component, it is nevertheless asserted that Simons *et al.* does not rectify the aforementioned deficiencies with respect to Higgins *et al.* Accordingly, it is submitted that since the combination of Higgins *et al.* and Simons *et al.* does not teach or suggest

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all the limitations recited in independent claims 9, 16 and 22 (and claims that depend there from), that this rejection should be withdrawn.

**IV. Rejection of Claims 10-15, 17, 19-21 and 23-26 Under 35 U.S.C. §103(a)**

Claims 10-15, 17, 19-21 and 23-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins *et al.* in view of Simons *et al.* as applied to claims 9, 16, 18, and 22 above and further in view of Isreal *et al.* This rejection should be withdrawn for at least the following reasons. Claims 10-15, 17, 19-21 and 23-26 depend from independent claims 9, 16 and 22; and Simons *et al.* and Isreal *et al.* do not rectify the aforementioned deficiencies with respect to the limitations recited in claims 9, 16 and 22. Accordingly, withdrawal of this rejection is requested.

**V. Rejection of Claims 29-31, 33-35, 37, 40 and 41 Under 35 U.S.C. §103(a)**

Claims 29-31, 33-35, 37, 40 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Isreal *et al.* in view of Simons *et al.* as applied to claims 27, 32, and 38 above, and further in view of Higgins *et al.* Withdrawal of this rejection is requested for at least the following reasons. Claims 29-31, 33-35, 37, 40 and 41 depend from independent claims 27, 32 and 38; and Simons *et al.* and Higgins *et al.* fail to cure the aforementioned deficiencies with respect to claims 27, 32 and 38. Accordingly, this rejection should be withdrawn.

09/772,606MS164006.01/MSFTP190US**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063[MSFTP190US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

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